

G. GEOFFREY ROBB (131515)
 JOSHUA A. SOUTHWICK (246296)
 GIBSON ROBB & LINDH LLP
 100 First Street, 27th Floor
 San Francisco, California 94105
 Telephone: (415) 348-6000
 Facsimile: (415) 348-6001

Attorneys for Defendant
 PACIFIC ASIAN ENTERPRISES, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA

MARKEL AMERICAN INSURANCE
 COMPANY,

Plaintiffs,

v.

PACIFIC ASIAN ENTERPRISES, INC., a
 California corporation; LEVITON
 MANUFACTURING CO., INC., a Delaware
 corporation; HUBBELL INCORPORATED,
 a Connecticut corporation; and DOES 1 -
 100, inclusive

Defendants.

Case No. 07-CV-5749 EDL

**[PROPOSED] ORDER GRANTING
 PACIFIC ASIAN ENTERPRISE'S
 MOTION TO DISMISS**

Date: March 11, 2008

Time: 9:00 a.m.

Place: Courtroom E

Judge: Hon. Elizabeth D. LaPorte

HAVING CONSIDERED THE FOREGOING, defendant PACIFIC ASIAN
 ENTERPRISE'S Motion to Dismiss for Failure to State a Claim, the Court finds same is
 well-taken. The Court holds, accepting the facts of the complaint as true, that Plaintiff
 MARKEL AMERICAN INSURANCE COMPANY can prove no set of facts upon which
 relief may be granted. It is therefore ORDERED that defendant PACIFIC ASIAN
 ENTERPRISES' Motion to Dismiss is hereby GRANTED.

Dated: _____

 Hon. Elizabeth D. LaPorte